

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VORTEX Repertory Co., *et al.*,

Plaintiffs,

v.

Angela Colmenero, *et al.*,

Defendants.

The Woodlands Pride, Inc., *et al.*,

Plaintiffs,

v.

Angela Colmenero, *et al.*,

Defendants.

Case No. 4:23-cv-02993

The Honorable Ewing Werlein Jr.

Case No. 4:23-cv-02847

The Honorable David Hittner

**VORTEX PLAINTIFFS' MOTION WITHDRAW THEIR MOTION TO  
CONSOLIDATE CASES**

Plaintiffs The VORTEX; Brock England, Mark Ivy, Jamie Brokaw, Oktavea Williams, and Houston LGBT Chamber of Commerce (“Houston Chamber”), San Antonio LGBT Chamber of Commerce (“San Antonio Chamber”), North Texas LGBT Chamber of Commerce (“North Texas Chamber”) (collectively “Chamber Plaintiffs”) (collectively “*VORTEX* Plaintiffs”) respectfully withdraw their Motion to Consolidate Cases and request that the Court deny their motion as moot.

Federal Rule of Civil Procedure 42 requires that consolidation of cases “not prejudice rights to which the parties would have been due had consolidation never occurred.” *Hall v. Hall*, 138 S. Ct. 1118, 1128 (2018). Because a trial on the merits is set to go forward in *The Woodlands Pride, Inc. v. Colmenero*, No. 4:23-cv-02847 while the *VORTEX* Plaintiffs’ Motion to Consolidate is still pending, the *VORTEX* Plaintiffs seek to withdraw their Motion to Consolidate to preserve their rights to fully argue and present evidence on their claims. They therefore request their Motion to Consolidate be withdrawn and denied as moot.

Dated: August 25, 2023

Respectfully submitted,

/s/ Ashley Fernandez Dorsaneo

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**ATTORNEYS FOR *VORTEX***  
**PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2023, a true and correct copy of this document was provided to all counsel of record via electronic filing. All Defendants in VORTEX Repertory Co., *et al.* v. Angela Colmenero, *et al.*, No. 4:23-cv-02993 were also served via electronic mail.

/s/ Ashley Fernandez Dorsaneo

Ashley Fernandez Dorsaneo

**CERTIFICATE OF CONFERENCE**

I certify that I conferred with counsel for Defendants Interim Attorney General Angela Colmenero and County Attorney Delia Garza, who are not opposed.

I also conferred with Defendants the City of Houston and the City of Austin, which take no position on Plaintiffs' motion.

I attempted to confer with Defendant Harris County District Attorney Kim Ogg, via email, but was unable to reach her counsel.

/s/ Ashley Fernandez Dorsaneo

Ashley Fernandez Dorsaneo